

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STARR G. SNYDER,

Plaintiff,

vs.

AMERICAN OPTICAL CORP., CLEAVER  
BROOKS, INC., DAP, INC., HONEYWELL  
INTERNATIONAL, INC., KAISER GYPSUM  
COMPANY, METROPOLITAN LIFE  
INSURANCE COMPANY, and MINE  
SAFETY APPLIANCES COMPANY, LLC.,

Defendants.

**8:20-CV-73**

**MEMORANDUM AND ORDER**

This matter is before the court on the Findings and Recommendation of Magistrate Judge Michael D. Nelson. [Filing 36](#). On May 27, 2020, the Court issued an Order requiring Plaintiff to show cause why the case should not be dismissed as to defendants Honeywell International, Inc. and Kaiser Gypsum Company for want of prosecution under [Federal Rule of Civil Procedure 4\(m\)](#). [Filing 35](#). The Court gave Plaintiff until June 12, 2020, to show cause why the case should not be dismissed as to defendants Honeywell International, Inc. and Kaiser Gypsum Company.

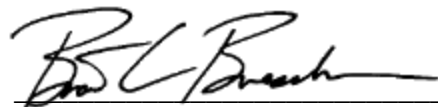
Plaintiff failed to file a response to the Order to Show Cause, request an extension of time, or otherwise show good cause for his failure to serve Honeywell International, Inc. and Kaiser Gypsum Company. Accordingly, on June 15, 2020, Magistrate Judge Nelson issued his Findings and Recommendation that the case be dismissed as to defendants Honeywell International, Inc. and Kaiser Gypsum Company for failure of service pursuant to under [Federal Rule of Civil Procedure 4\(m\)](#). [Filing 36](#). No parties objected. In accordance with [28 U.S.C. § 636\(b\)\(1\)](#), the Court adopts the Findings and Recommendation in its entirety. Therefore,

IT IS ORDERED:

1. Magistrate Judge Nelson's Findings and Recommendation ([Filing 36](#)) is adopted in its entirety; and
2. Defendants Honeywell International, Inc. and Kaiser Gypsum Company are dismissed as parties to the case without prejudice.

Dated this 30th day of June, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B.C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge